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SUGHRUE MION, PLLC				
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WASHINGTON, DC 20037				
EXAMINER				
VU, MICHAEL T				
ART UNIT		PAPER NUMBER		
2617				
NOTIFICATION DATE		DELIVERY MODE		
11/05/2010		ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

sughrue@sughrue.com
PPROCESSING@SUGHRUE.COM
USPTO@SUGHRUE.COM

**Advisory Action
Before the Filing of an Appeal Brief**

Application No. 10/518,403	Applicant(s) MILLIOT ET AL.
Examiner MICHAEL T. VU	Art Unit 2617

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 October 2010 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.
Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

/Charles N. Appiah/
Supervisory Patent Examiner, Art Unit 2617

On pages 3, 4 and of Applicant's remarks, Applicant argues that "Clark and Holmstrom do not teach or suggest exchanging service configuration data between the terminal and the device by means of selected AT commands that AT command management means of said device are able to interpret.

In response, Clark indeed discloses the standard for these commands is the Hayes Microcomputer Products "AT" command set. This command set is well known in the art (see Col. 2 lines 61-63), and further Clark discloses exchanging service configuration data between the terminal and the device that selected commands in used (see Figure 1B shows between the laptop #14 and the mobile device 22 that exchanged data).

The Examiner broadly interpret that the, "AT commands" refers to commands of the type originally developed by the American company Hayes Microcomputer Products Inc. and their standardized extensions (IS-99). Moreover, the term "terminal" refers to any type of data processing equipment provided with a user-friendly man-machine interface (keypad) and able to set up with a mobile telephony device such as a mobile telephone a "near field" cable or wireless link. Consequently, the terminal may be a fixed or portable microcomputer or a personal digital assistant (PDA). See Applicant's described in paragraph [0007]).

Clark explicitly discloses by connecting modems to their personal computers, users could directly transfer data between and communicate in realtime with mainframes and other personal computers. For example, bulletin board systems have now become very popular, allowing a large number of users to remotely upload and download free software, exchange information, and engage in online forums. With modems' rising speeds, increased standardization, and expanding uses, one is now hard pressed to find a personal computer system that does not use a modem (see Col. 1 lines 45-55).

Thus, Clark discloses the firmware contained in the modem 12 that executes on the microcontroller 102 to interpret and implement AT commands sent by the laptop computer 10. The laptop computer communication routines 300 represent high level communications routines contained in the laptop computer 10. These communications routines may be as simple as direct operating system communications primitives or as complex as a high level application software program that totally insulates from the user communications between the laptop computer 10 and the modem 12, in which this reads on the AT command management means may extract configuration data from the AT commands received from the terminal and supply it to application means requiring mobile such as onboard Java, etc. (See Col. 8 line 66 to Col. 9 line 7).

Clark discloses the beneath the cellular primitives 308, each cellular phone 22 to which the modem 12 is intended to be connected has different vendor cellular primitive routines 316 and 318. For example, some vendors' cellular phones can generate their own DTMF codes at the direction of the modem 12, which mean the modem, sending the commands, instructing, and/or directing to the phone and also it reads on the configuration data that send to the phone (see Col. 9 line 64 to Col. 10 line 14), in which the direction of Clark that reads on configuration data. Since the claims are broad so the examiner broadly interpreted as above and below (see Figure 1B shows the sending the commands, instructing, transferring and/or directing to the phone, and Col. 9, line 64 to Col 10 line 1).

Additionally, Clark discloses using a cellular phone for establishing a modem communications link. Certain standards have evolved for communications between a computer and its attached modem. These physical links are generally made through a serial or parallel communications port or through the host computer bus, and logically certain commands are sent to the modem, which returns certain responses (See Col. 2, lines 53-60) or exchanging information. Hence, this is reading on the configuration data, for example transmitting/sending between the communication links, or handshaking between the devices which reads on the configuration data as skilled in the art would understand.

Furthermore, Holmstrom discloses an alternative embodiment, a data network service provider, e.g., an Internet service provider, and/or provide internet resources in which may supply special files that would alleviate the user from performing the above configuration, (see Col. 5, lines 17-47), and particularly the Hayes AT command set (see Col. 5 line 41).

In addition, Holmstrom discloses the command may also cause the MT to perform other operations necessary to begin actual data transfer, such as parameter negotiation and link PROTOCOL activation (See Col. 5

lines 11-14).

From the above, the examiner believes that the rejection of claims 1-27 are proper and are therefore maintained.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael T. Vu whose telephone number (571) 272-8131. The examiner can normally be reached on 8:30 AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Charles N. Appiah can be reached on (571) 272-7904. The fax phone numbers for the organization where this application or proceeding is assigned are (571) 272-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (571) 272-9000.

/Michael Vu/
Examiner
AU-2617